

## REMARKS/ARGUMENTS

Claims 1-5 and 9-11 are pending herein. Claims 1 and 9 have been amended as supported by page 5, lines 13-18 of the specification, for example. New claims 10 and 11 have been added as supported by page 12, lines 16-22, for example.

Examiner West is thanked for courtesies extended to Applicants' representative during a telephonic interview on March 27, 2007. During the telephonic interview, Examiner West agreed that the amendments submitted above to claims 1 and 9 overcome the 35 U.S.C. 101 rejections raised in the Office Action. Examiner West further agreed to reconsider the applicability of the Cisco/Magalhaes combination with respect to claims 1 and 9 without further amendments.

1. Claims 1-5 and 9 were rejected under 35 U.S.C. 101 in section 4 of the Office Action. Claims 1 and 9 have been amended to recite the act of storing the estimated mean opinion score on a computer-readable medium accessible by a user for visualization and analysis, and means for storing the estimated mean opinion score, respectively. Therefore, Applicants respectfully submit that claims 1-5 and 9 even more clearly recite a practical application that produces a useful, concrete and tangible result. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

2. Claims 1, 2 and 9 were rejected under 35 U.S.C. 103(a) over Cisco, Magalhaes, and Bearden. This rejection is respectfully traversed.

Claim 1 recites, in relevant part, a method of assessing speech quality comprising the step of generating a consecutive positive jitter parameter for a stored packet in dependence upon a polarity of the jitter parameter for the stored packet and a polarity of the jitter parameter for immediately preceding stored packets wherein the

consecutive positive jitter parameter defines the number of immediately preceding stored packets which have been received consecutively, for each of which a polarity of the jitter parameter is positive.

Claim 9 recites, in relevant part, an apparatus for assessing speech quality comprising means for generating a consecutive positive jitter parameter for a stored packet in dependence upon a polarity of the jitter parameter for the stored packet and a polarity of the jitter parameter for immediately preceding stored packets wherein the consecutive positive jitter parameter defines the number of immediately preceding stored packets which have been received consecutively, for each of which a polarity of the jitter parameter is positive.

The Examiner is respectfully requested to review the recited claim language in association with the example provided in lines 19-22 on page 12 of the specification, reproduced below.

CPJ	:		0	1	0	1	2	0	1	2	3	4	5	0	1	0	1	2	0	1	2	0	
sub-windows	:																						
max positive	:				1				2				5				2					2	
mean	:																				2.4		

The Examiner is respectfully requested to note that each stored packet receives a consecutive positive jitter (CPJ) value. For example, every stored packet having a non-positive jitter is assigned a value of zero. Any stored packets received having a positive jitter is assigned a CPJ parameter that defines the number of immediately preceding stored packets which have been received consecutively, for each of which a plurality of the jitter parameter is positive. For example, as shown above, a CPJ parameter of 5 is generated for a stored packet received having a positive jitter when the number of immediately preceding stored packets (including the most recently

received packet) equals 5. That is, no stored packets having a non-positive jitter interceded the five consecutively received packets having a positive jitter parameter.

Cisco discloses on pages 70-72, a method including counting the absolute number of packets having a positive jitter parameter and the number of packets having a negative jitter parameter out of a total number of 1000 packets received. Examiner West is respectfully requested to note that the number of packets per test is provided on page 70, while page 72 shows the results of two complete tests, each including 1000 packets each. For example, the first test including 1000 packets resulted in a total number of 197 packets having a positive jitter parameter and 761 packets having a negative jitter parameter. Examiner West is respectfully requested to note that the number of packets received with a positive jitter parameter out of a test group of 1000 packets provides no relevant information relating to the number of consecutively received packets having a positive jitter parameter.

Magalhaes fails to overcome the deficiencies of Cisco. Magalhaes is directed toward the use of parameters which will be useful for detecting when bandwidth has become scarce causing congestion loss. Magalhaes discloses on page 168, that one should look to see “if two consecutive values of the jitter show a growing trend and long run jitter is positive” to determine whether to react to incipient congestion. While Magalia’s discloses that one should look at two consecutive values to determine whether a value of the jitter is growing, Magalhaes in no way suggests that one should assign each packet with a numerical value, which defines the number of immediately preceding stored packets, which have been received consecutively, for each of which a polarity of the jitter parameter is positive. Magalhaes simply proposes detecting when jitter is growing and when there is a net increase in the long run jitter, which is a cumulative jitter parameter.

Bearden, used for its alleged disclosure of generating a estimated mean opinion score fails to overcome the deficiencies of Cisco and Magalhaes.

For at least the foregoing reasons, Applicants respectfully submit that Cisco, Magalhaes, and Bearden fail to disclose or suggest generating a CPJ parameter for a stored packet in dependence upon a polarity of the jitter parameter for the stored packet and a polarity of the jitter parameter for immediately preceding stored packets wherein the consecutive positive jitter parameter defines the number of immediately preceding stored packets which have been received consecutively, for each of which a polarity of the jitter parameter is positive, as recited in claims 1 and 9. Accordingly, the method of assessing speech quality recited in claim 1 and the apparatus for assessing speech quality recited in claim 9 would not have been obvious to one skilled in the art provided with the disclosures of Cisco, Magalhaes, and Bearden. Since claim 2 depends directly from claim 1, claim 2 is also believed to be allowable over the applied prior art. Reconsideration and withdrawal of the present rejection are respectfully requested.

3. Claims 3-5 were rejected under 35 U.S.C. 103(a) over Cisco, Magalhaes, and Bearden, and further in view of Carley. Applicants respectfully submit that the arguments submitted above distinguish claim 1 from Cisco, Magalhaes, and Bearden. Since Carley fails to overcome the deficiencies of Cisco, Magalhaes, and Bearden, and since claims 3-5 depend either directly or indirectly from claim 1, those claims are also believed to be allowable over the applied prior art. Accordingly, reconsideration and withdrawal of the present rejection are respectfully requested.

For at least the foregoing reasons, Applicants respectfully submit that all pending claims herein define patentable subject matter over the art of record.

Accordingly, Examiner West is requested to issue a Notice of Allowance for this application in due course.

If Examiner West believes that further contact with Applicants' attorney would be advantageous toward the disposition of this case, he is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

April 16, 2007  
Date

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